

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER XXI

CIVIL RIGHTS

750.146 Right to equal public accommodations; separation of facilities according to sex.

Sec. 146. All persons within the jurisdiction of this state shall be entitled to full and equal accommodations, advantages, facilities and privileges of inns, hotels, motels, government housing, restaurants, eating houses, barber shops, billiard parlors, stores, public conveyances on land and water, theatres, motion picture houses, public educational institutions, in elevators, on escalators, in all methods of air transportation and all other places of public accommodation, amusement, and recreation, subject only to the conditions and limitations established by law and applicable alike to all citizens and to all citizens alike, with uniform prices. Rooming facilities at educational, religious, charitable or nonprofit institutions or organizations, and restrooms and locker room facilities in places of public accommodation may be separated according to sex.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1937, Act 117, Eff. Oct. 29, 1937;—CL 1948, 750.146;—Am. 1952, Act 101, Eff. Sept. 18, 1952;—Am. 1956, Act 182, Eff. Aug. 11, 1956;—Am. 1972, Act 116, Imd. Eff. Apr. 18, 1972.

Former law: See section 1 of Act 130 of 1885, being How., § 9074a; CL 1897, § 11759; CL 1915, § 15570; CL 1929, § 16809; and Act 375 of 1919.

750.147 Denial of equal public accommodations.

Sec. 147. Any person being an owner, lessee, proprietor, manager, superintendent, agent or employee of any such place who shall directly or indirectly refuse, withhold from or deny to any person any of the accommodations, advantages, facilities and privileges thereof or directly or indirectly publish, circulate, issue, display, post or mail any written or printed communications, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such places shall be refused, withheld from or denied to any person on account of race, color, religion, national origin, sex or blindness or that any particular race, color, religion, national origin, sex or blindness is not welcome, objectionable or not acceptable, not desired or solicited, shall for every such offense be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100.00 or imprisoned for not less than 15 days or both such fine and imprisonment in the discretion of the court; and every person being an owner, lessee, proprietor, manager, superintendent, agent or employee of any such place, and who violates any of the provisions of this section, shall be liable to the injured party, in treble damages sustained, to be recovered in a civil action: Provided, however, That any right of action under this section shall be unassignable. In the event that any person violating this section is operating by virtue of a license issued by the state, or any municipal authority, the court, in addition to the penalty prescribed above, may suspend or revoke such license.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1937, Act 117, Eff. Oct. 29, 1937;—CL 1948, 750.147;—Am. 1956, Act 182, Eff. Aug. 11, 1956;—Am. 1972, Act 116, Imd. Eff. Apr. 18, 1972.

Former law: See section 2 of Act 130 of 1885, being How., § 9074b; CL 1897, § 11760; CL 1915, § 15571; CL 1929, § 16810; and Act 375 of 1919.

750.147a Discrimination in extending credit, granting loan, or rating person's creditworthiness; violation; penalty; civil liability.

Sec. 147a. (1) A person shall not discriminate in extending credit or granting a loan on the basis of race, color, religion, national origin, marital status, sex, or physical disability unless both the following apply:

(a) The person is a nonprofit corporation whose members share 1 of the following:

(i) The same racial, religious, ethnic, marital, or sexual characteristic.

(ii) The same physical disability.

(iii) A blend of the characteristics described in subparagraphs (i) and (ii).

(b) The person extends credit or grants a loan only to its members.

(2) A person shall not discriminate in the rating of a person's creditworthiness on the basis of race, color, religion, national origin, marital status, sex, or physical disability.

(3) A person who violates the provisions of subsection (1) or (2) is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00.

(4) A person who violates the provisions of subsection (1) or (2) is liable in a civil action to the injured party for the amount of \$200.00 or for damages, whichever is greater. Actions brought pursuant to rule 3.501 of the Michigan court rules are limited to those damages provided in this subsection. The prevailing party in

the civil action shall be entitled to recover court costs and reasonable attorney fees. The right of action under this subsection is unassignable.

History: Add. 1974, Act 246, Imd. Eff. Aug. 1, 1974;—Am. 1998, Act 38, Imd. Eff. Mar. 18, 1998.

750.147b Ethnic intimidation.

Sec. 147b. (1) A person is guilty of ethnic intimidation if that person maliciously, and with specific intent to intimidate or harass another person because of that person's race, color, religion, gender, or national origin, does any of the following:

- (a) Causes physical contact with another person.
- (b) Damages, destroys, or defaces any real or personal property of another person.
- (c) Threatens, by word or act, to do an act described in subdivision (a) or (b), if there is reasonable cause to believe that an act described in subdivision (a) or (b) will occur.

(2) Ethnic intimidation is a felony punishable by imprisonment for not more than 2 years, or by a fine of not more than \$5,000.00, or both.

(3) Regardless of the existence or outcome of any criminal prosecution, a person who suffers injury to his or her person or damage to his or her property as a result of ethnic intimidation may bring a civil cause of action against the person who commits the offense to secure an injunction, actual damages, including damages for emotional distress, or other appropriate relief. A plaintiff who prevails in a civil action brought pursuant to this section may recover both of the following:

(a) Damages in the amount of 3 times the actual damages described in this subsection or \$2,000.00, whichever is greater.

(b) Reasonable attorney fees and costs.

History: Add. 1988, Act 371, Eff. Mar. 30, 1989.

Popular name: Ethnic Intimidation

Popular name: Hate Crimes

750.148 Civil rights; race or color not to disqualify for jury service.

Sec. 148. Race or color not to disqualify for jury service. No citizen of the state of Michigan, possessing all other qualifications which are or may be prescribed by law, shall be disqualified to serve as grand or petit juror in any court of said state on account of race, creed or color, and any officer or other person charged with any duty in the drawing, summoning, and selection of persons who shall exclude from, fail, neglect and/or refuse, by words, trick and/or artifice, to draw the name of, summon and/or select any citizen for jury service because of his or her race, creed and/or color, shall be guilty of a misdemeanor and upon conviction shall be fined not less than 50 dollars or shall be imprisoned for a period of not less than 30 days, or both such fine and imprisonment in the discretion of the court.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1937, Act 117, Eff. Oct. 29, 1937;—CL 1948, 750.148.

Former law: See section 3 of Act 130 of 1885, being How., § 9074c; CL 1897, § 11761; CL 1915, § 15572; and CL 1929, § 16811.